D.B. CIVIL SPECIAL APPEAL (W) No.491/2007

Sajid Qureshi & Anr.
Vs.
The Reserve Bank of India & Ors.

Date of Order :: 29-05-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Swati Bhati for the appellants.

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The appellants have been served notice by the arbitrator to participate in the arbitration proceedings. Contending that venue of the proceedings should be at Jaipur and not Chennai, and also challenging the action of the respondent-Bank in seizing the vehicle and selling the same, the appellants filed the writ petition. The learned Single Jude took the view that the dispute is contractual in nature and involves questions of fact which cannot be decided under writ jurisdiction, and accordingly dismissed the writ petition. We find no error in the order. It is open to the appellants to participate in the arbitration proceedings and challenge the jurisdiction of the arbitrator, if so advised, in accordance with law.

The appeal is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Skant/-